

To: Licensed Liquor and Wine Wholesalers and Retailers

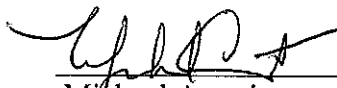
Subject: 2022-2023 Year-End Retailer Inventory Replenishment

Date: October 5, 2022

The New York State Liquor Authority (the "Authority") is in receipt of requests from wholesalers for relief from posted price schedules to facilitate traditional year-end retailer inventory replenishment. Pursuant to Alcoholic Beverage Control Law ("ABCL") Sections 101-b(3)(a) and 101-b(3)(b), the Authority, "upon good cause shown and for reasons not inconsistent with the purpose of this chapter," can grant written permission to sell alcoholic beverages at other than the prices posted pursuant to ABCL Section 101-b. On June 26, 2019, the Members of the Authority at a Full Board meeting, among other things, delegated to the Counsel to the Authority the power to act on requests for written permission.

Pursuant to that Delegation of Power, Counsel to the Authority hereby grants the following relief in an effort to provide retailers with sufficient time to restock their liquor and wine inventories using wholesalers' traditionally lower December prices:

- Wholesalers of liquor and wine may accept retailer orders until 6 pm on Wednesday, January 4, 2023 utilizing December 2022 prices. (January 2023 posted prices will also be available as usual, and retailers will be able to order from either or both.)
- All orders placed from Friday, December 30, 2022 to 6 pm on Wednesday, January 4, 2023 at December 2022 posted prices must be delivered to retailers no later than Monday, January 9, 2023 (Wednesday, January 11, 2023 for upstate North of Westchester County).
- In addition, all retailer orders placed from Friday, December 30, 2022 through 6 pm on Wednesday, January 4, 2023 are eligible for delivery to "bill and hold" with no storage charges being applied to same as long as such orders are ultimately delivered to retailers no later than close of business Monday, January 9, 2023 (Wednesday, January 11, 2023 for upstate North of Westchester County). All such orders must be invoiced to "bill and hold" as of the date of the placement of the retailer order, and final retailer payment dates for such orders shall be 30 days after the placement of the retailer order. Said free "bill and hold" storage applies only to invoices dated Friday, December 30, 2022 to Wednesday, January 4, 2023 and which utilize December 2022 pricing. All invoices that include items at January 2023 prices are not eligible for free "bill and hold" storage and will be considered a violation of the gifts and services prohibition set forth in Alcoholic Beverage Control Law section 101(1)(c). Moreover, normal storage charges must be assessed against any goods which were purchased at December 2022 prices and placed in storage but which have not been delivered to the retailer by close of business on Monday, January 9, 2023 (Wednesday, January 11, 2023 for upstate North of Westchester County).


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